

Jan. 13, 2020

Clerk, U.S. District Court  
District of Montana  
Great Falls Division

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LESLIE DENT,

Defendant.

CR 19-78-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Leslie Dent (Dent) has been accused of violating the conditions of his probation. Dent admitted all of the alleged violations, except alleged violation 1. The government did not attempt to prove alleged violation 1. Dent's probation should be revoked. Dent should be placed in custody for 60 days, with 34 months of supervised release to follow.

**II. Status**

Dent pleaded guilty to the crime of Conspiracy to Possess with Intent to Distribute Marijuana on June 20, 2017, in the United States District Court for the District of Arizona. (Doc. 2-2). United States District Judge James A. Soto sentenced Dent to 36 months of probation. (Doc. 2-2). Dent's term of probation

began on November 9, 2017. (Doc. 2-2 at 1).

### **Petition**

The United States Probation Office filed an Amended Petition on January 7, 2020, requesting that the Court revoke Dent's probation. (Doc. 11). The Amended Petition alleges that Dent violated the conditions of his probation: 1) by committing another crime; 2) by using methamphetamine on four separate occasions; and 4) by failing to report for substance abuse testing. (Doc. 11 at 2-3).

### **Initial appearance**

Dent appeared before the undersigned for his initial appearance on the Amended Petition on January 9, 2020. Dent was represented by counsel. Dent stated that he had read the petition and that he understood the allegations. Dent waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a revocation hearing on January 9, 2020. Dent admitted that he had violated the conditions of his probation by: 1) using methamphetamine on four separate occasions; and 2) by failing to report for substance abuse testing. Dent did not admit or deny alleged violation 1. The government did not attempt to prove alleged violation 1. The violations that Dent

admitted are serious and warrant revocation of Dent's probation.

Dent's violations are Grade B violations. Dent's criminal history category is II. Dent's underlying offense is a Class D felony. Dent could be incarcerated for up to 5 years. Dent could be ordered to remain on supervised release for up to 36 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody in the range of 4 to 24 months.

### **III. Analysis**

Dent's probation should be revoked. Dent should be incarcerated for 60 days, with 34 months of supervised release to follow. The supervision conditions imposed previously by Judge Soto should be continued. This sentence is sufficient but not greater than necessary.

### **IV. Conclusion**

The Court informed Dent that the above sentence would be recommended to United States District Judge Brian Morris. The Court also informed Dent of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Dent that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Dent stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to

waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Leslie Dent violated the conditions of his probation by: using methamphetamine on four separate occasions; and by failing to report for substance abuse testing. Dent did not admit or deny alleged violation 1. The government did not attempt to prove alleged violation 1.

The Court **RECOMMENDS:**

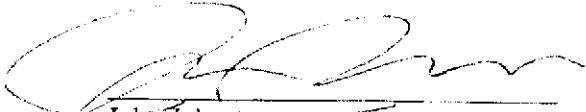
That the District Court revoke Dent's probation and commit Dent to the custody of the United States Bureau of Prisons for 60 days, with 34 months of supervised release to follow. The supervision conditions imposed previously by Judge Soto should be continued.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may

waive the right to appear and allocute before a district court judge.

DATED this 13th day of January, 2020.



John Johnston  
United States Magistrate Judge